

U.S. Patent Application Serial No. **10/648,489**  
Amendment filed December 20, 2004  
Reply to OA dated September 21, 2004

**REMARKS**

Claims 1-9 are pending in this application.

The Applicants respectfully submit that no new matter has been added.

The Applicants appreciate the Examiner's acknowledgment of the Applicants' claim for foreign priority and that a certified copy of the priority document has been filed in the parent application, now US Patent 6,638,991.

It is believed that this Amendment is fully responsive to the Office Action dated **September 21, 2004**.

**Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of US Patent No. 6,638,991. (Office Action p.2)**

While the Applicants disagree with the assertion on p.2, text lines 24-25 of the Office Action that, "Although the conflicting claims are not identical, they are not patentably distinct from each other because claims overlap in scope," and the necessity for a Terminal Disclaimer, nonetheless enclosed herewith is a Terminal Disclaimer over US Patent 6,638,991.

Since the Examiner notes that a Terminal Disclaimer may be used to overcome a rejection based on a nonstatutory double patenting ground, the enclosed Terminal Disclaimer is believed to address and overcome the rejection.

U.S. Patent Application Serial No. 10/648,489  
Amendment filed December 20, 2004  
Reply to OA dated September 21, 2004

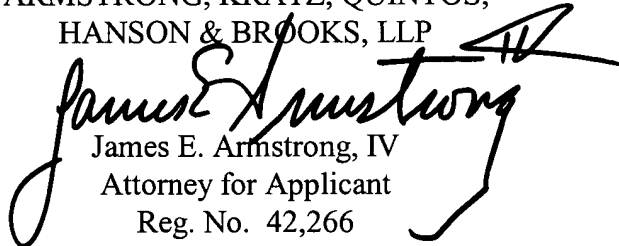
In view of the aforementioned accompanying remarks and enclosed Terminal Disclaimer, the claims are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP

  
James E. Armstrong, IV  
Attorney for Applicant  
Reg. No. 42,266

JAM/jam  
Atty. Docket No. 011552A  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930



23850

PATENT TRADEMARK OFFICE